

Similarly, it does not appear that Bergman qualifies as prior art under § 102(e). There is no indication that a patent has been granted on the Bergman foreign application, as required under § 102(e). The Bergman reference cited by the Examiner is merely a published PCT application, not a patent. Further, evidence that the Bergman application has fulfilled the requirements of paragraphs (1) and (4) of 35 U.S.C. 371(c), before the invention thereof by the applicant. The PCT application WO 99/52654 to Bergman et al. does not support this contention. Therefore a prima facie case for a 102(e) rejection has not been made.

Even if, for the sake of argument, Bergman did qualify as prior art under §§ 102(a) or 102(e), *which it does not*, Bergman neither teaches nor suggests applicants' claimed apparatus.

Amended claims 39, 44, and 46 each require a temperature mechanism to cool the wafer. Bergman only teaches heating the wafers – Bergman teaches away from cooling the wafers. See, e.g., p. 6, ll. 1-3 and ll. 13-17; p. 6, l. 24 through page 7, l. 4; p. 7, ll. 14-18; p. 8, ll. 1-5; p. 12, ll. 7-8). Further, Bergman does not teach or suggest vaporizing the solvent (claim 39) or condensing a solvent on a wafer surface (claims 44 and 46). Accordingly, claims 39, 44 and 46 would be allowable over the Bergman reference if Bergman qualified as prior art, *which it does not*.

Similarly, Bergman fails to teach or suggest the apparatus recited in amended claim 42. Amended claim 42 recites, in part, an apparatus wherein at least one wafer is positioned to be substantially vertical in the chamber and the stream of liquid is introduced in the chamber in a direction substantially parallel to a surface of a wafer. Bergman teaches placing wafers in a horizontal position so that the wafers may be rotated to ensure a relatively thin film of water is formed thereon. Accordingly, amended claim 42 would be allowable over the Bergman reference if Bergman qualified as prior art, *which it does not*.

III. Rejection of Claims 40, 41, 43, and 45 Under 35 USC 102(a) or 102(e)

Claims 40, 41, 43, and 45 are rejected under 35 USC 102(a) or 102(e) as allegedly being anticipated by Bergman. Applicants traverse.

Again, applicants note that the cited Bergman reference does not qualify as prior art under 102(a) or a 102(e). Therefore the rejections are improper and should be withdrawn.

However, even if Bergman did qualify as prior art under 102(a) or (e), Bergman neither teaches nor suggests the apparatus recited in the claims of the present invention.

Claims 40, 41, 43, and 45 all depend from claims that recite or themselves recite a cooling device for cooling the wafers. As discussed above, Bergman teaches heating the wafers. Bergman, in fact, teaches away from the presently claimed invention by reciting a system wherein the surface of the wafer is heated to enhance surface cleaning. (See, e.g., p. 15, l. 23 through p. 16, l. 3.) Moreover, Bergman does not teach or suggest an apparatus that maintains a wafer temperature at a dew point of the liquid.

Accordingly, claims 40, 41, 43, and 45 would be allowable over Bergman if Bergman qualified as prior art under § 102(a) or § 102(e), *which it does not*.

IV. New Claims.

Claims 47 through 56 have been added to the application. These claims are allowable for the reasons discussed above.

V. Conclusion

In view of the foregoing, the claims of the present application are allowable and early notification to that effect is respectfully requested.

If the examiner has any questions, or believes that a telephone conversation would expedite prosecution of this application, he is requested to contact the undersigned.

Respectfully submitted,

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